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APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/650,070 08/28/2003		3/28/2003	Naoya Sashida	031006	5817		
23850	7590	02/23/2005		EXAMINER			
		TZ, QUINTOS,	TRAN, LONG K				
1725 K STF SUITE 1000	•			ART UNIT	PAPER NUMBER		
WASHING	TON, DC	20006	2818				
					DATE MAILED: 02/23/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. 10/650,070 Examiner Long K. Tran 2818 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. The period for reply specified atoms in loss han bring (20) stays, a reply within the sistancey minimum of thing (20) stays will be considered treaty. The period for reply specified atoms in loss han bring (20) stays, a reply within the sistancey minimum of thing (20) stays will be considered treaty. The period for reply specified atoms in loss han bring (20) stays, a reply within the sistancey minimum of thing (20) stays will be considered treaty. The period for reply specified atoms in loss han bring (20) stays, a reply within the sistancey minimum of thing (20) stays will be considered treaty. The period for reply specified atoms in loss han bring (20) stays, a reply with the sistancey minimum of thing (20) stays will be considered treaty. The period for reply specified atoms in loss han bring (20) stays, a reply with the sistancey minimum of thing (20) stays will be considered treaty. The period for reply specified atoms in loss han bring (20) stays, a reply with the sistancey minimum of thing (20) stays will be considered treaty. The period for reply specified atoms in some stays will be seen at the specified atoms and the stay of the reply specified atoms and the reply specified atoms a									
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1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)	_		4	1) Interview Summary	(PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) Cher:	2) Notice 3) Information	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	,	Paper No(s)/Mail Da Notice of Informal P	ate	·-152)			

DETAILED ACTION

Election/Restrictions

Claims 1 – 22 are pending in this application.

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1 – 9, drawn to a semiconductor device, classified in class 257, subclass 296

Group II. Claims **10** – **22**, drawn to process of making a semiconductor device, classified in class **438**, subclass **238**.

- 2. The inventions are distinct, each from the other because of the following reasons:
- 3. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of following can be shown: (1) that the process as claimed can be use to make other and materially different product or by hand, or (2) that process as claimed can be made by another and materially different process. (MPEP § 806.05(f)). In the instance case unpatentabilities of the group I invention would not necessarily imply unpatentability of the group II invention, since the device of the group I invention could be made by the processes materially different from those of the group II invention, for example, in claims 10 and 13, heating a metal film by using laser or furnace.
- 4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, the fields of search are not co-extensive. Therefore, separate examination would be required and restriction for examination purposes as indicated is proper.

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5. This application also contains claims directed to the following patentably distinct species of the claimed invention:

a) Species I, e.g. Embodiment 1 (device); Figures 1 – 14, claims 1, 2 and 4 – 9;

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- b) Species II, e.g. Embodiment 1 (method); Figures 1 14, claims 10 12 and 15 22;
 - c) Species III, e.g. Embodiment 2 (device); Figures 18A 32, claim 3;
- d) Species III, e.g. Embodiment 2 (method); Figures 18A 32, claim 13 and 14;
- 6. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claims is finally held to be allowable. Currently, no claim is generic. Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is all claims are generic is considered non-responsive unless accompanied by an election.
- 7. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141. If claims are added after the selection, applicant must indicate which are readable upon the elected species.

 M.P.E.P. 809.02(a). Should applicant traverse on the ground that the species are not patent-able distinct, applicant should submit evidence or identify such evidence now of

record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions un-patent-able over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103 of the other invention.

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventor-ship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor-ship must be accompanied by a diligently filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long K. Tran whose telephone number is 571-272-1797. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-1787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Long Tran W4

February 22, 2005

DUNGLE PRIMARY EXAMINER

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